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BAKER BOTTS, LLP			OSMAN, RAMY M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/822,097	Applicant(s) WU, GUANGDIAN GORDON	
	Examiner Ramy M. Osman	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37, 51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37, 51 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to amendment filed April 16, 2007, where applicant amended claims 1 and 52. Claims 1-37,51 and 52 are pending.

Response to Arguments

2. Applicant's arguments filed 4/16/2007 have been fully considered but they are not persuasive.

3. Applicant argues that Sheth fails to teach the limitations of the pending claims.

In reply, Applicants claim language is broad is therefore broadly interpreted.

4. Applicant argues that Sheth does not disclose a "personal base instance".

In reply, Applicants "instance" is broad and is read to be the project that is generated by application 204 and is stored in database 206 (see at least column 4 lines 19-24 and column 7 lines 26-32).

5. Applicant argues that Sheth does not disclose the "instance" is arranged to communicate with a user.

In reply, Sheth discloses the project (i.e. the "instance") communicates with a buyer (i.e. the "user") so that the buyer specifies details about the project (see at least column 7 lines 26-32).

6. Applicant argues that the "web server" of Sheth is not the same as the "personal base server" of the claims.

In reply, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically

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pointing out how the language of the claims patentably distinguishes them from the references.

Applicant has not detailed how and why the servers are different.

7. Applicant argues that the storing of information in Sheth is not the same as the limitations of claims 2-5.

In reply, Sheth discloses that the database 206 stores the actual project (which is the actual “personal base instance”) and it stores data associated with the project (see at least 4 lines 19-30).

8. Applicants arguments fail to distinguish any allowable features of Applicants invention. The claims remain broad and are therefore broadly interpreted.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-5,8-10,12-14,33,36,37,51 and 52 rejected under 35 U.S.C. 102(e) as being anticipated by Sheth et al (US Patent No 7,069,242).

11. In reference to claims 1,51 and 52, Sheth teaches a personal base process on a computer system, on a computer network, and on a portable computer system respectively, where said computer system, computer network and portable computer system have multiple nodes that are

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interconnected to facilitate communication between said nodes, said personal base process comprising:

a personal base instance on at least one of said nodes on said computer system, said personal base instance being constructed and arranged to communicate with a user (column 7 lines 27-34);

a personal base server on at least one of said nodes on said computer system, said personal base server being constructed and arranged to communicate with said personal base instance and at least one of said nodes of said computer system other than said user (column 3 line 64 – column 4 line 5); and

wherein:

the personal base instance is configured to:

communicate with the personal base server (column 3 line 64 – column 4 line 5);

communicate with at least one third party through the personal base server (column 7 lines 36-41); and

communicate with the user without the communication involving the personal base server (column 7 lines 27-34).

12. In reference to claims 2 and 3, Sheth teaches the personal base process as in claim 1 , wherein said personal base process further comprises a database in functional communication with said personal base instance, said database constructed and arranged to store data originating from said personal base instance (column 4 lines 1-6 and column 7 lines 27-34).

13. In reference to claims 4 and 5, Sheth teaches a personal base process as in claim 1 , wherein said personal base process further comprises a database in functional communication

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with said personal base instance, said database constructed and arranged to provide data to said personal base instance (column 4 lines 1-6).

14. In reference to claims 8,10 and 12, Sheth teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second instance of a personal base (column 4 lines 1-6 and column 7 lines 27-34, it is an inherent teaching within Sheth that more than one terminal can be in communication with personal base).

15. In reference to claim 9, Sheth teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second user (column 4 lines 1-6 and column 7 lines 27-34).

16. In reference to claims 13 and 14, Sheth teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is another software process; and a third party institution (column 4 lines 1-6 and column 7 lines 36-41).

17. In reference to claim 33, Sheth teaches the personal base process as in claim 1, wherein said personal base has at least one special layer devoted to a specific function (column 7 lines 15-34).

18. In reference to claim 36, Sheth teaches the personal base process as in claim 33, wherein said special layer is devoted to scheduling information (column 7 lines 5-67).

19. In reference to claim 37, Sheth teaches the personal base process as in claim 33, wherein said special layer is devoted to messages (column 7 lines 5-67).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claims 11,15-26,32 rejected under 35 U.S.C. 102(e) as being unpatentable over Sheth et al (US Patent No 7,069,242).**

22. In reference to claim 11, Sheth teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second personal server. "Official Notice" is taken that multiple servers can host a single personal base service as is the case when multiple servers are used to host a single website. It would have been obvious for one of ordinary skill in the art to modify Sheth wherein said node of said system in communication with said personal base server is a second personal server as is the case when multiple servers are used to host a single website

23. In reference to claims 15-26, 31 and 32, Sheth teaches the personal base process as in claim 1. Sheth fails to explicitly teach wherein said node of said system in communication with said personal base server is a telephone caller; an e-mailer, via a telephone; via a personal computer; via a facsimile; via a personal digital assistant; via a keyboard; via a touch sensitive video screen; via e-mail; via a Web page; via a mobile telephone; via a server computer; via a pager. However, "Official Notice" is taken that each element of: a telephone caller; an e-mailer, via a telephone; via a personal computer; via a facsimile; via a personal digital assistant; via a keyboard; via a touch sensitive video screen; via e-mail; via a Web page; via a mobile telephone;

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via a server computer; via a pager, are all old and well-known in the art of computing and would be obvious to one of ordinary skill in the art to use since they each allow for modern digital communication.

24. Claim 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth et al (US Patent No 7,069,242) in view of Bukow (US Patent No 6,567,784).

In reference to claim 35, Sheth teaches the personal base process as in claim 33. Sheth fails to explicitly teach wherein said special layer is devoted to employer information. However, Bukow teaches wherein said special layer is devoted to employer information (column 4 lines 25-34, Sheth discloses employers using employer information to evaluate workers). It would have been obvious for one of ordinary skill in the art to modify Sheth wherein said special layer is devoted to employer information as per the teachings of Buckow for the purpose of employers evaluating workers.

25. Claims 6,7,27-30 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth et al (US Patent No 7,069,242) in view of Moshfeghi et al (US Patent No 6,076,166).

26. In reference to claims 6 and 34, Sheth teaches the personal base process as in claim 1. Sheth fails to explicitly teach wherein said personal base server has a dedicated medical layer. However, Moshfeghi teaches a personalized hospital portal for the purpose of personalizing medical network accessibility for users (column 2 lines 5-10, 25-40 & 58-64).

It would have been obvious for one of ordinary skill in the art to modify Sheth by making the personal base server as a dedicated medical layer as per the teachings of Mashfeghi for the purpose of personalizing medical network accessibility for users.

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27. In reference to claim 7, Sheth teaches the base process as in claim 6. Sheth fails to explicitly teach wherein said node of said system in communication with said dedicated medical layer of said personal base server is a medical institution. However, Moshfeghi teaches a personalized hospital (medical institution) portal for the purpose of personalizing medical network accessibility for users (column 2 lines 5-10, 25-40 & 58-64).

It would have been obvious for one of ordinary skill in the art to modify Sheth by making the node of said system in communication with said dedicated medical layer of said personal base server is a medical institution as per the teachings of Mashfeghi for the purpose of personalizing medical network accessibility for users.

28. In reference to claim 27, Sheth teaches the personal base process as in claim 1. Sheth fails to explicitly teach wherein communication between said personal base instance and said user is via a smart card. However, Moshfeghi teaches portal communication via a smart card for the purpose of personalizing medical network accessibility for users (column 1 lines 45-57 and column 4 lines 5-10 & 43-60).

It would have been obvious for one of ordinary skill in the art to modify Sheth by making communication between said personal base instance and said user is via a smart card as per the teachings of Moshfeghi for the purpose of personalizing medical network accessibility for users.

29. In reference to claims 28-30, Sheth teaches the personal base process as in claim 1, including where a user is authenticated (page 2 paragraph [0033]). Sheth fails to explicitly teach wherein said communication between said personal base instance and said user is authenticated via an identification card; via a smart card; and via a credit card. However, Moshfeghi teaches portal communication via an identification card, a smart card, and a credit card for the purpose of

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reliably personalizing medical network accessibility for users (column 1 lines 45-57 and column 4 lines 5-10 & 43-60).

It would have been obvious for one of ordinary skill in the art to modify Sheth by making communication between said personal base instance and said user is authenticated via an identification card; via a smart card; and via a credit card as per the teachings of Moshfeghi for the purpose of reliably personalizing medical network accessibility for users.

Conclusion

30. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, and claims) is implied as being applied to teach the scope of the claims.

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
June 19, 2007


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